80-5355

In THE UNITED STATES SUPREME COURT

Washington, D.C. 20543

A.D. 1980

State of Wisconsin Supreme Court
Case No. 80-691-W, Madison, Wisconsin,
July 9, 1980 A.D. on Appeal.

STATE EX REL;
LAWRENCE CALVIN WHITTEMORE,

Petitioner-Appellant,

vs.

CIRCUIT COURT FOR KENOSHA COUNTY,
HON. BURTON A. SCOTT, presiding,

Respondent-Appellee.

JURISDICTIONAL STATEMENT

Lawrence Calvin Whittemore
Pro Se
Box C Waupun, Wisconsin 53963.

August 28th, 1980 A.D.

RECEIVED
SEP 6 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

TABLE OF CONTENTS

		Page
1.	STATEMENT OF QUESTIONS.....	1.
2.	REFERENCE TO OFFICIAL OPINION BELOW.....	2.
3.	STATEMENT OF CLAIMED GROUNDS OF JURISDICTION OF THE UNITED STATES SUPREME COURT.....	2.
4.	CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED.....	3., 4.
5.	A STATEMENT OF THE CASE ON APPEAL.....	4.
6.	STATEMENT OF THE REASON THE QUESTIONS PRESENTED REQUIRE CONSIDERATION.....	5.
7.	APPENDICE (A): Wisconsin Supreme Court Ruling of July 9, 1980 A.D. in No. 80-691-W-State ex rel. Lawrence Calvin Whittemore v. Circuit Court for Kenosha County, the Hon. Burton A. Scott, presiding.	
8.	APPENDICE (B): AFFIDAVIT OF MAILING.	
9.	APPENDICE (C): NOTICE OF APPEAL filed at the State of Wisconsin Supreme Court July 25th, 1980 A.D.	
10.	MOTION FOR LEAVE TO FILE APPEAL IN FORMA PAUPERIS and AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO FILE AN APPEAL IN FORMA PAUPERIS.	

Constitutional Provisions, Statute and Case-law Authorities

(a)	United States Constitution Article VI.....	3.
(b)	United States Constitutional Amendment VI.....	3.
(c)	United States Constitutional Amendment XIII.....	3.
(d)	United States Constitutional Amendment XIV.....	3.
(e)	Title 18 United States Code § 1581.....	4.
	Cohen v. Beneficial Indus. Loan Corp., (1949) 337 US 541, 546-547, 69 SCt 1221, 93 Led 1528.....	2.
	Com'r v. Netcher (CCA 7th, 1944) 143 F2d 484, 486.	2.
	Davis v. O'Hara, 266 US 314, 315, 45 SCt 104, 105, 69 Led 656.....	2.
	Ex parte Hudgings (1919) 249 US 378, 39 SCt 337, 63 Led 656, 11 ALR 333.....	2.

TABLE OF CONTENTS (Continued)

	Page
Matter of Heff (1905) 197 US 488, 25 SCt 506, 49 Led 848.....	2.
Muller v. State, 94 Wis. 2d 450, 289 N.W. 2d 570 (1980).....	1.
Reece v. Georgia (1955) 350 US 85, 87, 76 SCt 167, 100 Led 77.....	2.
Sandstrom v. Montana 442 U.S. 510 (1979).....	1., 5.
Southern Railway Co. v. Clift (1922) 260 US 316, 43 SCt 126, 67 Led 283.....	2.
State v. Dreske, Wis. App., 276 N.W. 2d 324.....	5.
State ex rel. Lawrence Calvin Whittemore v. Circuit Court for Kenosha County, the Hon. Burton A. Scott, presiding, Case No. 80-691-W, State of Wisconsin Supreme Court, July 9th, 1980.	2.,App.(A)
Urie v. Thompson, 337 US 163, 172-173, 69 SCt 1018, 93 Led 1282, 11 ALR 2d 252.....	2.
Zeckendorf v. Steinfeld (1912) 225 US 445, 32 SCt 728, 56 Led 1156.....	2.

11. TABLE OF CONTENTS..... (i),(ii)

STATEMENT OF QUESTIONS

1. Can a state supreme court circumvent the law of the land with it's own cited case-law authority and legally detain a state prisoner in violation of a Federal Statute? (Re, 18 U.S.C. § 1581).

   The State of Wisconsin Supreme Court ruled July 9, 1980 A.D. that pursuant to Muller v. State, 94 Wis. 2d 450, 289 N.W. 2d 570 (1980), this Court's ruling in Sandstrom v. Montana, 442 U.S. 510 (1979) was not applicable although the question of the jury instructions is identical.

2. Can a state supreme court reverse the United States Supreme Court in violation of Article VI paragraph three of the United States Constitution?

   The State of Wisconsin Supreme Court in it's July 9, 1980 A.D. denial of a petition for a writ of habeas corpus in the case of State ex rel. Lawrence Calvin Whittemore v. Circuit Court for Kenosha County, the Hon. Burton A. Scott, presiding, Case No. 80-691-W, reversed this Court's ruling in Sandstrom v. Montana, 442 U.S. 510 (1979) by citing it's own case-law ruling in the state supreme court case of Muller v. State, 94 Wis. 2d 450, 289 N.W. 2d 570 (1980) which ruling or denial was subsequent to this Court's ruling in Sandstrom upon the same issue.

REFERENCE TO OFFICIAL OPINION BELOW

The State of Wisconsin Supreme Court denied a petition for a writ of habeas corpus filed by this petitioner-appellant in the case State ex rel. Lawrence Calvin Whittemore v. Circuit Court for Kenosha County, the Hon. Burton A. Scott, presiding, Case No. 80-691-W on the date of July 9, 1980 A.D.

STATEMENT OF CLAIMED GROUNDS OF JURISDICTION OF THE UNITED STATES SUPREME COURT

The nature of the case on appeal is the denial of a petition for a writ of habeas corpus rendered by the State of Wisconsin Supreme Court on July 9, 1980 A.D.

No petition for rehearing was filed and no cross-appeal has been applied for to date.

Petitioner-Appellant believes that Title 28 U.S.C. §§ 1257 (1), 1581 and 1915 confers jurisdiction of the appeal upon this Court.

The below listed cases sustain the jurisdiction of this Court;

Cohen v. Beneficial Indus. Loan Corp.,(1949) 337 US 541, 546-547, 69 SCt 1221, 93 Led 1528.

Com'r v. Netcher (CCA 7th, 1944) 143 F2d 484, 486.

Davis v. O'Hara, 266 US 314, 315, 45 SCt 104, 105, 69 Led 303.

Ex parte Hudgings (1919) 249 US 378, 39 SCt 337, 63 Led 656, 11 ALR 333.

Matter of Heff (1905) 197 US 488, 25 SCt 506, 49 Led 848.

Reece v. Georgia (1955) 350 US 85, 87, 76 SCt 167, 100 Led 77.

Southern Railway Co. v. Clift (1922) 260 US 316, 43 SCt 126, 67 Led 283.

Urie v. Thompson, 337 US 163, 172-173, 69 SCt 1018, 93 Led 1282, 11 ALR 2d 252.

Zeckendorf v. Steinfeld (1912) 225 US 445, 32 SCt 728, 56 Led 1156.

CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED

United States Constitution Article VI;

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before-mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

United States Constitutional Amendment VI;

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

United States Constitutional Amendment XIII;

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

United States Constitutional Amendment XIV;

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED

Title 18 United States Code § 1581;

§ 1581. Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

A STATEMENT OF THE CASE ON APPEAL

Petitioner-Appellant was sentenced to life-imprisonment with a 15 year consecutive sentence in the year of 1977 A.D. on the date of August 4th.

Trial was by jury and the Honorable Burton A Scott, Branch XX Kenosha County Circuit Court in the city of Kenosha, Wisconsin, imposed the sentence.

Petitioner-Appellant's transcript of the proceedings show at pages 433 to 441 that the Wisconsin Jury Instructions #1100 were given to the jury prior to deliberation.

Wisconsin Jury Instructions #1100 include that, "law presumes a person responsible for the natural consequences of his acts," thereby by-passing the state's burden of proof as per intent per the crime charged and prosecuted.

A motion for original jurisdiction for a petition for a writ of habeas corpus was filed on April 10th, 1980 A.D. at the State of Wisconsin Supreme Court, Madison, Wisconsin 53702.

The State of Wisconsin Supreme Court denied petitioner-appellant the petition for a writ of habeas corpus to issue on July 9, 1980 A.D.

STATEMENT OF THE REASON THE QUESTIONS
PRESENTED REQUIRE CONSIDERATION

Petitioner-Appellant claims that the State of Wisconsin Supreme Court in it's ruling denying on July 9, 1980 A.D., the petition for a writ of habeas corpus to issue, reversed the United State Supreme Court's ruling in Sandstrom v. Montana, 442 U.S. 510 (1979) and said denial is contrary to the United States District Court, Eastern District of Wisconsin, Milwaukee, Wisconsin 53202 in the case of State v. Dreske, Wis. App., 276 N.W. 2d 324, which dealt with the same question of Wisconsin Jury Instructions #1100.

Petitioner-Appellant further claims that if this Court does not consider the questions pertinent enough for the filing of briefs or argument, that the Rules of the United States Supreme Court under Rule 52 direct a mandate to the State of Wisconsin Supreme Court pursuant to the United States Constitution at Article VI paragraphs two and three that all judicial officials within the States are to abide by the "law of the land," notwithstanding.

Petitioner-Appellant has submitted a motion to file in forma pauperis under the United States Supreme Court Rules, Rule 46, and believes that the indigent as well as the affluent should receive due process and equal protection of the laws.

Prepared By, Lawrence Calvin Whittemore

Lawrence Calvin Whittemore
Box C
Waupun, Wisconsin 53963.

August 28th, 1980 A.D.

Office of the Clerk

SUPREME COURT

STATE OF WISCONSIN

Madison, July 9, 1980

To ✓Lawrence Calvin Whittemore
Box C
Waupun, WI 53963

Edward S. Marion
Assistant Attorney General
123 West Washington Avenue
Madison, WI 53702

The Court today announced an order in your case as follows:

No. 80-691-W - State ex rel. Lawrence Calvin Whittemore v. Circuit Court for Kenosha County, the Hon. Burton A. Scott, presiding.

The court having considered the petition for a writ of habeas corpus and the court concluding that the issue raised has been resolved contrary to the petitioner's position in Muller v. State, 94 Wis. 2d 450, 289 N. W. 2d 570 (1980),

IT IS ORDERED the petition for a writ of habeas corpus is denied.

APPENDICE (A)

MARILYN L. GRAVES

Clerk of Supreme Court.

SC-105

RECEIVED
JUL 2 9 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In UNITED STATES SUPREME COURT

Washington, D.C. 20543

A.D. 1980

LAWRENCE CALVIN WHITTEMORE
Box C
Waupun, Wisconsin 53963,

Petitioner-Appellant,

vs.

STATE OF WISCONSIN
KENOSHA COUNTY CIRCUIT COURT
Branch II, Honorable Burton A.
Scott,

Respondent-Appellee.

Case No. 80-691-W
State of Wisconsin
Supreme Court.

NOTICE OF APPEAL.

To: Edward S. Marion
Assistant Attorney General
123 West Washington Avenue
Madison, Wisconsin 53702

PLEASE TAKE NOTICE, that the petitioner-appellant, Lawrence Calvin Whittemore, shall appeal for and upon constitutional reasons from the decision rendered by the Wisconsin Supreme Court on July 9th, 1980 A.D. to the United States Supreme Court pursuant to Title 28 U.S.C. § 1257(1).

Petitioner-Appellant By,

Lawrence Calvin Whittemore
Box C
Waupun, Wisconsin 53963.

Dated: July 21st, 1980 A.D.
at Box C Waupun, WI. 53963.

APPENDICE (C)

RECEIVED
DEC 4 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE UNITED STATES SUPREME COURT

STATE ex rel. LAWRENCE
CALVIN WHITTEMORE,

Petitioner-Appellant,

v. Case No. 80-5355

CIRCUIT COURT FOR KENOSHA COUNTY,
HONORABLE BURTON A. SCOTT,
Presiding,

Respondent-Appellee.

ORIGINAL COPY

MOTION TO DISMISS FOR LACK OF JURISDICTION

Respondent moves the Court to dismiss this appeal because the Court lacks jurisdiction over the appeal as stated by appellant, Lawrence C. Whittemore.

FACTS

Petitioner-appellant (hereinafter appellant) alleges the following facts in support of his appeal:

That he was sentenced to life imprisonment with a consecutive sentence of fifteen years on August 4, 1977, by Kenosha County (Wisconsin) Circuit Court Judge Burton A. Scott;

That at his trial, Wisconsin Jury Instruction--Criminal 1100 was given (Trial Transcript at 433-41);

That Wis. J I--Criminal 1100 unconstitutionally shifts the burden of proof on the issue of criminal intent, in violation of the decisions of this Court in Mullaney v. Wilbur, 421 U.S. 684 (1975), and Sandstrom v. Montana, 442 U.S. 510 (1979); and

That he raised this issue as the basis of his petition for habeas corpus filed with the Wisconsin Supreme Court on April 9, 1980.

On April 17, 1980, the respondent was notified of appellant's petition but was not ordered to respond by the Wisconsin Supreme Court.

On July 9, 1980, the Wisconsin Supreme Court issued a summary order denying the petition for habeas corpus on the following grounds: "[T]he court conclude[s] that the issue raised has been resolved contrary to the petitioner's position in Muller v. State, 94 Wis. 2d 450, 289 N.W.2d 570 (1980)." State ex rel. Whittemore v. Circuit Court for Kenosha County, No. 80-691-W (Wis. Sup. Ct. July 9, 1980).

This Court may take judicial notice that the only crime for which a sentence of life imprisonment could have been imposed in Wisconsin in 1977 was first degree murder.

Appellant alleges that the Wisconsin Supreme Court, by denying his petition, deliberately violated a federal statute, Title 18 U.S.C. sec. 1581 (1966). This statute forbids peonage; appellant contends that any judge who deliberately violates the Constitution (presumably, as here, while denying a writ of habeas corpus) has violated this statute.

Appellant also invokes 28 U.S.C. 1257(1) (1966) as the basis for thi Court's jurisdiction for his appeal.

ARGUMENT

I. THIS COURT DOES NOT HAVE APPELLATE JURISDICTION OF THIS CASE UNDER 28 U.S.C. SEC. 1257(1) (1966).

A. Service Under A Criminal Sentence Is Not Peonage.

In United States v. Reynolds, 235 U.S. 133 (1914), this Court construed "peonage" as a status or condition of compulsory service based on the indebtedness of the peon to the master. The statute is

addressed to a particular evil, and contains no hint either in its language, history or construction, that it is meant to serve as a means of ingenious postconviction relief for inmates. Relief for those who claim that their criminal custody is in violation of their constitutional rights is provided for in 42 U.S.C. sec. 2254 and sec. 2255 (1973), through petition to the federal court for writ of habeas corpus.

B. The Wisconsin Supreme Court Did Not "Draw Into Question The Validity Of" A Statute Of The United States.

To assume the nearly absurd, even had the Wisconsin Supreme Court deliberately refused to grant appellant's petition although his custody were clearly in violation of the Constitution, and this action were equivalent to placing him in "peonage" for his assumed "debt to society" (the state), at most the Wisconsin Supreme Court would be guilty of a violation of the peonage statute. In no way did the Wisconsin Supreme Court address or "draw into question" the peonage statute which common sense suggests was far out of the minds of the members of the Wisconsin Supreme Court; the statute is never mentioned either directly or by even the most imaginative implication.

II. THIS COURT DOES NOT HAVE APPELLATE JURISDICTION OF THIS CASE UNDER 28 U.S.C. SEC. 1257(2) (1966).

A. Appellant's Jurisdictional Claim Might Have Been Alleged Under 28 U.S.C. Sec. 1257(2) (1966).

As Mr. Whittemore, an inmate, is arguing his case pro se, his jurisdictional allegations should be liberally construed. The only remaining provision for the appellate jurisdiction of this Court is 28 U.S.C. sec. 1257(2) (1966).

B. But The Challenged Jury Instruction Is Not A "State Statute" The Validity Of Which Was Brought Into Question.

In order to invoke the Supreme Court's jurisdiction on an appeal as of right under 28 U.S.C. sec. 1257(2) (1966), appellant must present both a substantial federal question, and a question arising from the highest state court's upholding a state statute as valid.

In this case, the Wisconsin Supreme Court upheld appellant's criminal conviction by a jury which had been given a particular jury instruction on the element of intent. A jury instruction is not a statute.

The Court has been broad in its interpretation of what counts as a state statute for purposes of defining its appellate jurisdiction. In Atlantic Coast Line R. Co. v. Goldsboro, 232 U.S. 548 (1914), the Court concluded: "And any enactment, from whatever source originating, to which a state gives the force of law, is a statute of the state." 232 U.S. at 555.

A jury instruction is at most an interpretation of the case law which in turn derives from the basic statute. In DeBacker v. Brainard, 396 U.S. 28 (1969), this Court concluded that a challenged exercise of a prosecutor's discretion was not "uncontrolled" by virtue of the statute under which the prosecution proceeded, but by virtue of the state case law (396 U.S. at 32, n. 6). Thus case law interpreting a statute was distinguished from the statute which generated it.

By implication, the Court has suggested that the issue of exactly the sort of jury instruction challenged in this case is properly considered by writ of certiorari. The question of the retroactivity of a decision invalidating a North Carolina jury instruction which shifted the burden of proof on interest to the

defendant (the same shift which appellant contends the Wisconsin instruction accomplishes) was, in Hankerson v. North Carolina, 432 U.S. 233 (1977), taken by this Court by writ of certiorari, not by appeal.

CONCLUSION

Mr. Whittemore's appeal does not fall under either the two categories of appellate jurisdiction of the United States Supreme Court, and therefore should be dismissed.

Respectfully submitted,

BRONSON C. LA FOLLETTE
Attorney General
State of Wisconsin

Emily Albrink Fowler
EMILY ALBRINK FOWLER
Assistant Attorney General

Betty R. Brown
BETTY R. BROWN
Assistant Attorney General

Attorneys for Respondent-Appellee

P. O. Address:

114 East, State Capitol
Madison, Wisconsin 53702

(608) 266-8908

JAN 9 PAGE 15

RECEIVED
DEC 13 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In UNITED STATES SUPREME COURT

Washington, D.C. 20543

A.D. 1980

Case No. 80-5355 (HC)

ORIGINAL COPY

STATE ex rel., LAWRENCE CALVIN WHITTEMORE,

Petitioner-Appellant,

vs.

CIRCUIT COURT FOR KENOSHA COUNTY,
HONORABLE BURTON A. SCOTT,
presiding,

Respondent-Appellee.

REPLY BRIEF TO MOTION TO DISMISS

Prepared By,

Lawrence Calvin Whittemore, pro se
Box C
Waupun, Wisconsin, 53963.

December 8th, 1980 A.D.

In UNITED STATES SUPREME COURT
Washington, D.C. 20543
A.D. 1980

STATE ex rel., LAWRENCE CALVIN WHITTEMORE,

Petitioner-Appellant,

v.

Case No. 80-5355

CIRCUIT COURT FOR KENOSHA COUNTY,
HONORABLE BURTON A. SCOTT,
presiding,

Respondent-Appellee.

REPLY BRIEF TO MOTION TO DISMISS

Respondent-appellee has submitted a 'Motion to Dismiss' in the entitled case before this Court.

Petitioner-appellant replies thereto pursuant to Rules of the Supreme Court, Rule 16.5 opposing the Respondent-appellee's motion.

THE JURISDICTION OF THIS COURT

The United States Supreme Court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1257 (1) wherein the State of Wisconsin does not have a comparable statute to 18 U.S.C. § 1581, and as a consequence, peonage is ipso facto the results of criminal prosecutions in the state.

Probations and paroles are subject to the same constitutional infirmity.

See, Harris v. Brewer (CA8th, 1970) 434 F2d 166 and Miller v. Carter (CA9th, 1970) 434 F2d 824, cert denied 402 US 972, which delineates that:

> "Whether a prisoner has waived his right to raise a federal constitutional claim is a matter of federal law."

In any case, petitioner-appellant is entitled to enforce the United States Supreme Court's ruling in Sandstrom v. Montana, 442 U.S. 510 (1979) whether on appeal or certiorari as a person of a 'class' of persons under 28 U.S.C., Fed.R.Civ.Proc., Rules 23(3), 71 and 81 (a)(2).

See, Adderly v. Wainwright (MD Fla 1967) 272 F Supp 530, 11 FR Serv2d, 81a.22, Case 3.

Adderly v. Wainwright (MD Fla 1968) 46 FRD 97, 13 FR Serv2d 23.3, Case 2.

McGautha v. California, (1971) 402 US 183, 91 S Ct 2726, 28 L ed2d 711.

Mead v. Parker, (CA9th, 1972) 464 F2d 1108, 16 FR Serv2d 1029.

THE FACT OF WISCONSIN JURIES PRIOR TO MAY 18th, 1978 A.D. and COUNSEL.

At the time of petitioner-appellant's trial in August, 1977 A.D. Wisconsin Statutes at Section 255.02 (1)(b) read as follows;

> 255.02 Who are exempt. (1) The following persons are exempt from serving as jurors;
>
> (b) Attorneys at law; physicians; surgeons; dentists; Christian Science practitioners and readers; and ministers of the gospel or any religious society.

The above statutory law was in effect until May 18th, 1978 A.D. despite the Wisconsin Constitution at Article 1 Section 19 which provides;

> Religious tests prohibited. SECTION 19. No religious tests shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

To date there is no known situation wherein a licensed attorney in the State of Wisconsin has objected upon a 'conflict of interest' issue as related to the enpanelment of juries to deliberate on issues of fact, wherein the juror 'qualifications' were an issue as per exemptions based upon religious grounds or beliefs.

Consequently, the jury enpaneled at the time of petitioner-appellant's trial in the year 1977 A.D. was constitutionally infirm, and the due 'effectiveness of counsel' was a nullity perforce the 6th Amendment of the United States Constitution.

CONCLUSION

Petitioner-appellant concludes this brief reply to the Respondent-appellee's 'Motion to Dismiss' based upon the contended 'lack of jurisdiction' by this Court.

Petitioner-appellant is not privy to what the Wisconsin Supreme Court thinks, nor, believes that the opposing counsels are privy to such 'thinking' either, regardless of the existing "professional collegiality" between licensed attorneys and Judges.

The pro se petitioner can never expect to be given due respect or credence by licensed attorneys per the meanings and procedural options as relevant to the American Jurisprudential System.

On the other hand, a pro se applicant eventually learns that, any such case presented by licensed attorneys, is, that attorney's version of the matter, and such version lies within the imagination of the attorney and the Judges of the Courts.

Neither 'imagination' can be ascertained as absolutely correct or true.

Respectfully Submitted By,

Lawrence Calvin Whittemore, pro se
Box C Waupun, Wisconsin, 53963

December 8th, 1980 A.D.,
at Box C Waupun, WI. 53963.

cc: Emily Albrink Fowler
Assistant Attorney General
114 East, State Capitol
Madison, Wisconsin 53702